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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,739	02/20/2004	Benjamin A. Knott	064198.0186	6594
31625	7590	10/20/2005	EXAMINER	
BAKER BOTTS L.L.P. PATENT DEPARTMENT 98 SAN JACINTO BLVD., SUITE 1500 AUSTIN, TX 78701-4039			ANWAH, OLISA	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/783,739	KNOTT ET AL.	
	Examiner Olisa Anwah	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/20/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.

**DETAILED ACTION**

**Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in-
  - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
    - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 10-14 are rejected under 35 U.S.C. § 102(e) as being anticipated by Beyda et al, U.S. Patent No. 6,487,277 (hereinafter Beyda).

Regarding claim 10, Beyda discloses an information delivery system, comprising:

a selection prediction module operable to predict one or more menu options likely to be selected by a user (see abstract);

a menu generation module operable to generate a menu of

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options including the one or more options likely to be selected by a user (see abstract);

an interactive voice response system operable to communicate the menu of options to a user for selection, await user selection of an option via DTMF input or user utterance and connect the user to an information module associated with the user option selection (101 from Figure 1); and

an analyzer module operable to ascertain an option selection in a user utterance (column 9, lines 30-40), record user option selections in one or more option selection histories (414 from Figure 5) and consider the one or more option selection histories in predicting the one or more options likely to be selected by a user (see 1008 from Figure 10).

Regarding claim 11, see abstract.

Regarding claim 12, see Figures 3.

Regarding claim 13, see 414 from Figure 5.

Regarding claim 14, see column 9, lines 30-40.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-9 and 15-20 are rejected under 35 U.S.C § 103(a) as being unpatentable over Beyda in view of Doyle, U.S. Patent Application Publication No. 2005/0171775 (hereinafter Doyle).

With respect to claim 1, Beyda teaches a method for effecting a speech-enabled menu, comprising:

defining a menu of options to respond to a caller request for information, the options in the menu each having a corresponding information classification (1008 from Figure 10);

presenting the menu of options to the caller (see abstract);

prompting for selection of a menu option via a caller voice utterance (404 from Figure 5);

analyzing the caller voice utterance to identify a selected menu option (column 9, lines 30-40); and

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associating one or more terms from the caller voice utterance with the information classification corresponding to the selected menu option (410 from Figure 5).

Nowhere does Beyda teach updating a voice utterance glossary with one or more terms associated with the information classification corresponding to the selected menu option. Yet, Doyle discloses this feature (see paragraphs 0065-0067). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beyda with the voice recognition system of Doyle. This modification would have improved the efficiency of Beyda by automatically improving a voice recognition system as suggested by Doyle (see paragraphs 0009 and 0010).

As per claim 2, see paragraph 0056 of Doyle.

As per claim 3, see abstract of Beyda.

As per claim 4, see abstract of Beyda.

As per claim 5, see Figure of Beyda.

On the issue of claim 6, see paragraph 0056 of Doyle.

Regarding claim 7, see 1008 of Beyda.

Regarding claim 8, see abstract of Beyda.

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Regarding claim 9, neither Beyda nor Doyle reveal the claimed prompting and updating limitations. However "Official Notice" is taken that this limitation is both old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Beyda and Doyle with prompting the caller for feedback regarding caller experience with the menu of options and updating one or more aspects of menu content based on caller feedback. This modification would have improved the efficiency of Beyda by automatically improving a voice recognition system as suggested by Doyle (see paragraphs 0009 and 0010).

On the issue of claim 15, Beyda fails to teach the analyzer module is operable to adapt a user utterance selection glossary to recognize expected utterances in accordance with the tracked and associated user utterances. All the same, Doyle discloses this feature (see paragraphs 0065-0067). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beyda with the voice recognition system of Doyle. This modification would have improved the efficiency of Beyda by automatically improving a voice

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recognition system as suggested by Doyle (see paragraphs 0009 and 0010).

On the issue of claim 16, Beyda discloses software for maintaining an option selection menu, the software embodied in computer readable media and when executed operable to:

ascertain a selection frequency for a plurality of menu options (1004 from Figure 10);

generate a current menu of options for presentation to a user based on menu option selection frequency (1008 from Figure 10);

present the menu of options for user selection therefrom (404 from Figure 5);

identify an option selection of the user (406); and record the selection of the user in a selection frequency record associated with the user selection (408).

Beyda does not explicitly explain the software is operable to update a user utterance option selection glossary with one or more terms from a user utterance menu option selection. Yet, Doyle discloses this feature (see paragraphs 0065-0067). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beyda with

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the voice recognition system of Doyle. This modification would have improved the efficiency of Beyda by automatically improving a voice recognition system as suggested by Doyle (see paragraphs 0009 and 0010).

With respect to claim 17, see 410 of Beyda.

On the issue of claim 18, Beyda falls short of explaining the software is further operable to update the current menu of options when the current menu of options fails to identify menu options most likely to be selected by a user. Nonetheless, Doyle discloses this feature (see paragraphs 0065-0067). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beyda with the voice recognition system of Doyle. This modification would have improved the efficiency of Beyda by automatically improving a voice recognition system as suggested by Doyle (see paragraphs 0009 and 0010).

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Regarding claim 19, Beyda teaches the software of claim 16 is operable to associate one or more terms of a user utterance menu option selection with a menu option task classification (column 9, lines 30-40). Beyda does not explicitly teach the software is operable to update the user utterance option selection glossary with selected terms associated with the menu option task classification. However Doyle discloses this feature (see paragraphs 0065-0067). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beyda with the voice recognition system of Doyle. This modification would have improved the efficiency of Beyda by automatically improving a voice recognition system as suggested by Doyle (see paragraphs 0009 and 0010).

Regarding claim 20, see Figure 3 of Beyda.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the

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organization where this application or proceeding is assigned  
are 571-273-8300 for regular communications and 571-273-8300 for  
After Final communications.

Any inquiry of a general nature or relating to the status  
of this application or proceeding should be directed to the  
receptionist whose telephone number is 571-272-2600.

O.A.

Olisa Anwah  
Patent Examiner  
October 13, 2005

OVIDIO ESCALANTE  
PATENT EXAMINER

*Ovidio Escalante*